TBPE
Engineering For A Better Texas

Express

Texas Board of Professional Engineers

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Future Looking and Forward Thinking

The coming year will be one of change for the Texas Board of Professional Engineers as we make our way through the Sunset review and the subsequent legislative session which will determine what changes should be made to the Texas Engineering Practice Act. The Sunset Advisory Commission is charged with reviewing agencies and acts, generally on a twelve year basis, to determine whether the programs and laws continue to serve a public need. TBPE spent the last fifteen months preparing for Sunset and assisting Sunset staff with their review. The experience was enlightening and educational, and the resulting report was positive for the agency, recommending changes to the engineering act that could provide better protection for the citizens of Texas.

The Sunset Review of TBPE was released on October 12, along with a review of the Self-Directed Semi-Independent (SDSI) Pilot Project – a self-funding model that TBPE has been a part of for the past eleven years. Recognizing that the professional licensure of engineers is critical to the protection of the health and safety of Texans, both the TBPE and SDSI project were recommended to continue.

In the review of the agency, Sunset analysts thoroughly scrutinized internal processes to determine whether the agency is following appropriate procedures that align with the engineering act as well as criteria used for all licensing agencies. The determination included some recommendations such as:

- Continue the TBPE and the SDSI program;
- Increase enforcement penalties from $3,000 to $5,000 per day;
- Grant the agency Cease-and-Desist authority against unlicensed practice;
- Grant the agency authority to summarily suspend a license to avoid imminent public harm;
- Utilize fingerprinting to check criminal history on all new licensees and on current licensees on their next renewal, with the cost for this check to be paid by the licensee;
- Make changes to reporting requirements and how SDSI is structured, including depositing enforcement penalties to the state's general revenue fund;
- Set the next TBPE Sunset date to 2019 to align with the Texas Department of Licensing and Regulation Sunset review.

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A Message from the Chairman

G. Kemble Bennett, Ph.D., P.E.

Each year, this column gives me the opportunity to reflect on the past year as well as look forward. This has been a busy year - we have implemented new legislation, undergone audits and oversight reviews, reviewed all of our rules, continued our leadership on national issues, and begun a journey of process improvements; all within one year, and all good things. The analysis of our agency has caused me to reflect on where we have been, which helps us understand where we are going.

The Texas Board of Professional Engineers (TBPE) was created in 1937 in response to a massive loss of life from an explosion at a public school in New London in East

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As you may know, TBPE has gone above and beyond the standard processes required as a state agency and decided to embark on our Journey Toward Excellence (JTE) in 2011. JTE is an approach to managing the agency using the Malcolm Baldrige Excellence Criteria, focusing on continuous improvement. The process improvements have included a coordinated approach of increasing efficiencies and implementing change when appropriate. The criteria that are followed include an emphasis on strategic planning which we have chosen in the past year as a way to review and improve all of our processes and create cohesion among projects while improving communication with staff, thereby building a better agency with greater job satisfaction and productivity.

Another initiative of TBPE has been increased customer contact – through outreach presentations, surveys, and through the use of stakeholder input to the strategic planning process. The engineering community was given a chance to provide viewpoints on the strengths, weaknesses, opportunities and threats facing the state's regulation of engineers. The resulting input has allowed TBPE to be more responsive to answering inquiries from the regulated community.

We remain focused on our mission of protecting public health, safety, and welfare of the citizens of Texas, and will continue to do so in a future looking, forward thinking manner as we seek improvements, implement change, and embrace quality, efficiency, and transparency in all that we do. You will continue to see changes that reflect this commitment – From website improvements and stakeholder input forums to streamlining and automating licensing and enforcement processes. We look forward to hearing from you on how we can continue to move forward in this Journey Toward Excellence.

–Lance Kinney, P.E.

Message from the Chairman continued

Texas. Since that time, the state and the profession have grown, but public safety has always been at the heart of why this Board exists. The number of licensed engineers continues to grow every year, even during slow economic times. In the past five years, the number of licensed Professional Engineers in Texas has increased by nearly 10,000 new licensees to almost 58,000 professional engineers. The Board and staff have put a number of improvements to keep pace with the growing population we serve, while reducing processing time and cutting expenditures.

We have implemented changes to legislation which governs the practice of engineering in relation to building design, as well as statutory changes to how windstorm inspectors are appointed. Both legislative changes involved other agencies – the Texas Board of Architectural Examiners and the Texas Department of Insurance (TDI) – and both have required a significant investment of staff time which has yielded substantial return.

While previously architects and engineers have debated the role of each professional, the new legislative language now makes it very clear for practitioners in Texas to know where the bright line is drawn. The Boards and staff from both agencies continue to work together to ensure successful implementation and communication of law. Other states are looking to how Texas resolves this issue, and I am happy to report that all is going well.

The issue of windstorm inspection has required staff to develop and implement a competency assessment which was put online this summer. Collaboration with TDI continues to help clarify enforcement authority and provide clear direction to professional engineers.

Our agency has undergone two extensive audits this year – reviews of programs, policies, and financial data – which have revealed that our staff continues to be a good steward of state trust. The Sunset Advisory Commission's review of our agency also reveals that this agency is efficient and effective, which I believe is the result of competent staff working to create a culture of continuous improvement. In addition, an audit by the Office of the State Auditor shows that the Board has solid processes and procedures in place and the agency runs very well.

The Sunset report will be the subject of a public hearing in November, and will provide legislators an opportunity to see how well this agency has performed over the last ten years. The agency and the Self-Directed, Semi-Independent (SDSI) Pilot Project have been recommended to continue, which is clearly a sign of confidence in TBPE's stewardship of the public trust. Recommended changes, as you have seen in Executive Director Kinney's column, could provide TBPE with additional enforcement authority, as well as some other changes to the licensure and reporting processes.

Another achievement this year exemplifying our agency improvement is seen in TBPE being recognized for the Texas Award for Performance Excellence at the commitment level. This is the second year TBPE has been recognized, and we are the only professional regulatory agency in the state to receive this honor. This process takes the Malcolm Baldrige Criteria for Performance Excellence and evaluates agency operations vis-à-vis nationally established standards.

Finally, this past year our executive director has continued his involvement in the national arena via the National Council of Examiners for Engineering and Surveying (NCEES) on innovative projects. Lance Kinney, P.E., has been committee chair of the computer based testing task force for two years, and has led the charge with Software Engineering. Both projects have achieved milestones this year with the Fundamentals of Engineering exam scheduled to be offered via computer based testing in January 2014, the approval of the conversion of the Principles and Practice (PE) exam to computer based format, and the development of the Software Engineering PE exam, to be offered in April 2013. These announcements exemplify Texas' leadership on a national level.

The coming year will see our Journey Toward Excellence continue as staff implements further improvements to internal processes, communications, and service delivery methods. In the coming year, I encourage engineers to provide feedback to the board, utilizing the customer survey on our website, comment on rules when they are published, and continue to be a voice for your profession, for the public safety of our state, and for the direction of this agency.

A&E Update

The past year has been a landmark for overlap issues between architects and engineers in Texas. The Legislature passed a bill in the 82nd regular session (2011) that defined areas of practice for the two professions. House Bill 2284 was groundbreaking in its direct language that drew a bright line between what engineers can do, what architects can do, and what either professional can do regarding building design.

The Texas Board of Professional Engineers and the Texas Board of Architectural Examiners (TBAE) worked collaboratively to interpret and implement the new statute through their boards, including developing joint statements and documents for publication on their respective websites. TBAE was charged with approving engineers who wished to practice architecture in Texas by demonstrating proficiency and sufficient competency in design. This process is now complete, and a list of engineers who can practice architecture can be found on the TBAE website.

The statute also made a provision for a Joint Task Force comprised of members appointed by both boards to provide guidance on interpretation of the statute. The first meeting was held in San Antonio on June 12 with a follow-up meeting in September in Austin. The initial meeting gave the members a chance to discuss and clarify several aspects of the new law that had been identified by members of the regulated community. By law, the Task Force will be dissolved September 1, 2013.

The two regulatory agencies have worked closely to interpret and communicate the requirements of the statute to their licensees and the public. "We are grateful to the Legislature for providing clear direction on these practice issues. Our two agencies are working closely to ensure clear and consistent communication to the public and the regulated profession" says TBPE executive director Lance Kinney, P.E.

What has changed since House Bill 2284 Was Passed?

While at first blush it appears that a lot of changes have occurred, on closer read, the bill reinforces current practice. The exemptions which exist in the acts remain in place. The text of the bill, as well as excerpts from both the Texas Engineering Practice Act and the Texas Architectural Practice Act delineating those exemptions can be found at: http://engineers.texas.gov/overlap.html.

Texas Windstorm *Inspectors*

House Bill 3 (HB 3) was passed during the 82nd Special Legislative Session of 2011. While the bill made many changes to the Texas Windstorm Insurance program, the changes to the requirements for Texas Department of Insurance (TDI) appointed windstorm inspectors affected TBPE.

In order for many buildings in the coastal areas to qualify for windstorm insurance (hurricane protection), inspections must be performed by TDI appointed inspectors. Prior to the implementation of HB 3, inspectors were only required to be licensed Professional Engineers, and no other criteria was defined. HB 3 added to that requirement specifying that to be an appointed inspector, an engineer must also demonstrate competence in wind-related building design. TBPE was tasked with creating a system to allow engineers to demonstrate this competence and the creation of a roster of the engineers who qualify. Working with TDI staff, the Board created rules regarding the roster and the application process which were both adopted in early December 2011, and the application was available on the TBPE website beginning in January of this year. The application process is working well and will continue to be in effect. Visit our website at: http://engineers.texas.gov/windstorm.html

Please note that the roster does not replace the TDI appointment process. The new TBPE roster is intended only as a pre-requisite for the TDI inspector appointment. TDI has recently developed rules for making the new TBPE roster a formal requirement for appointment. The new rule specifies that any existing or newly appointed inspector must apply and be placed on the new TBPE roster by December 31, 2012. Any appointed inspectors not on the TBPE roster by that date will be removed from the appointed inspector list. For more information on the windstorm inspector appointment process, visit the TDI website at: http://www.tdi.texas.gov/wind/index.html

FE AND PE EXAMS BEGIN TRANSITION TO COMPUTER-BASED TESTING

The state licensing boards that compose NCEES (National Council of Examiners for Engineering and Surveying)*, the organization that develops and administers the exams used for engineering and surveying licensure throughout the United States, have voted to begin converting the PE and PS exams to a computer-based format. The unanimous decision was made during the 2012 NCEES annual meeting, held August 22–25 in St. Louis, Missouri. It follows a 2010 decision to convert the FE and FS exams to computer-based testing, a transition that will be completed in January 2014.

While recognizing the effort involved in converting an exam to computer-based format, NCEES has noted the advantages, including greater scheduling flexibility for candidates, more uniformity in testing conditions, and enhanced security for exam content.

The exams will be administered through the Pearson VUE network of about 300 professional centers and select locations. The PE exams will be converted to CBT in 2015 at the earliest, but as NCEES Executive Director Jerry Carter explained, the transition will be paced for each exam. "We offer 25 different PE exams in 17 different engineering disciplines, and NCEES will review each exam individually to determine what it needs to move to CBT," he said. "The language approved by the Council is 'at the earliest feasible date,' and NCEES will move carefully and deliberately with each conversion to ensure that the exam continues to reliably measure professional competence."

For further information about NCEES or CBT, refer to the NCEES website at http://ncees.org.

** NCEES is a national nonprofit organization composed of engineering and surveying licensing boards representing all U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. An accredited standards developer with the American National Standards Institute, NCEES develops, scores, and administers the examinations used for engineering and surveying licensure throughout the United States. NCEES also provides services facilitating professional mobility for licensed engineers and surveyors. Its headquarters is located in Clemson, S.C.*

NCEES TIMELINE FOR IMPLEMENTATION OF COMPUTER-BASED ADMINISTRATION OF FE EXAMS

June to August 2011
- The FE content reviews began; this is the process by which NCEES develops the exam specifications.
- NCEES reviewed test center locations.

August 2011 to August 2012
- The FE content reviews were completed.
- The exam item banks were assessed, and item-writing sessions were held.
- State licensure boards reviewed legislative rules and statutes for compliance with computer-based testing.
- New computer-based testing policies were presented for adoption at the 2012 NCEES annual meeting.

August 2012 to August 2013
- Pools of questions will be developed for the initial administration of the exams in this format.

October 2013
- Paper-and-pencil FE exams will be offered for the last time.

January 2014
- The FE exams will be administered electronically for the first time.

2015 at the Earliest – Convert PE Exams

Online Professional Engineer Licensing Application

TBPE staff has been able to take advantage of technological advances over the past few years to improve service to our customers. We have automated key business processes and made services available online through our website. Building on our successes with online renewals and automated notifications, the latest addition was the implementation of the online PE application. The application was made available online in 2011 and has been very successful. Currently, more than 75% of applications are received online.

The application requirements did not change: An applicant must demonstrate education, experience and exam requirements, just as before. The online application simply allows the applicant to submit the form and fee in a secure on-line format. The next phase of the project, currently in development, will include the ability for an applicant to securely upload other application documents such as transcripts and experience submittals. Electronic submission will improve the customer experience even more by consolidating steps in the process and eliminating the need for mail as much as possible.

When surveyed, some customers had these comments on the new application process: "Excellent licensing process"; "I'm very glad much of the application process, correspondence and results [were] handled through the web."; "I followed all the instructions and everything went exactly as instructed."; "I was pleasantly surprised at the speed at which the process took."; "I was so pleased to be able to use the NCEES record [with the online application] to apply for my license. This significantly streamlined the process."

The Board will continue to look for ways to improve our processes to reduce the effort for our customers and increase our efficiency while maintaining our high level of quality and responsibility to protect the public.

UTEP Receives Accolades from NCEES

The National Council for Examiners of Engineers and Surveyors (NCEES) announced the Engineering Award recipients in June. Texas' own University of Texas at El Paso (UTEP) Civil Engineering Department was one of five engineering programs nationwide to receive a $7,500 award.

The NCEES Engineering Award for Connecting Professional Practice and Education was established to promote understanding of the value of licensure and to encourage partnerships between the engineering profession and education. EAC/ABET-accredited programs from all engineering disciplines are invited to submit projects that integrate professional practice and education.

The City of El Paso invited the UTEP Senior Project class to collaborate in the development of Fire Station 513, utilizing building code design that are environmentally friendly. The project requirements included Leadership in Energy and Environmental Design – LEED – Silver certification by the US Green Building Council, compliance with SmartCode regulations, and incorporated local art. El Paso SmartCode is intended to create mixed-use development that encourages community participation and sustainable design, and has received national recognition by the EPA through the Partnership for Sustainable Communities. The fire station design met all of the requirements from the city, giving the students a chance to gain knowledge of infrastructure design and community collaboration.

The NCEES Engineering Award considers projects that employ successful collaboration between faculty, students and licensed professional engineers that will benefit the public health, safety, and welfare. The projects must have an element of knowledge or skills gained and should be multidiscipline in nature. For more information about Award criteria, visit http://ncees.org/Licensure/Engineering_Award.php.

David Howell, P.E., TBPE Director of Licensing, presented the NCEES Engineering Award to the University of Texas at El Paso Civil Engineering Department. Pictured from left to right are Alfonso Garcia, Oscar Chambers, David Howell, P.E., Kimberly Nunez, and Juan C. Salcido.

Congratulations to Engineers Licensed Over 50 Years

Each year the Board acknowledges individuals who have maintained their P.E. license for over 50 years by mailing them an honorary certificate and a letter from Governor Rick Perry. Last year's certificates were mailed out December 15, 2011. If you have been licensed over 50 years and did not receive a certificate, please send us an email to info@engineers.texas.gov. We will get one out to you.

This year's certificates will be generated in mid-November. If you are eligible, check your mailbox around the end of November and drop us an email if your certificate does not arrive.

Additionally, the complete listing of all engineers licensed over 50 years is available on our web site at: http://engineers.texas.gov/50.

Question & Answer –

responses to questions received from our website

Q: Why is the Texas PE license fee so high? Other states are much lower and $235 seems high.
A: The fee to renew a PE license in Texas is $235 which may seem high, but when it is broken down into its components, the renewal fee is more in-line with other states. Only $35 of the fee is kept by the agency to fund daily operations; $200 is sent to the Comptroller of Public Accounts for dispersal to other funds. $150 goes to the general revenue fund and $50 goes to the Foundation School Fund. In Texas, the professional services fee was intended to replace charging sales tax on professional services. Licensees may claim an exemption from the $200 if they are licensed and working in manufacturing or utilities, have a disability, are inactive, or are 65 or older. (TEPA 1001.026)

Q: What happened to the online Continuing Education log on your website? It sure was convenient.
A: The log was removed because it was intended to be merely a place for the PE to keep track of his/her hours and neither a permanent record nor an approval of the courses entered. The log by itself did not provide for sufficient documentation. TBPE requires that the licensee keeps records or documentation that indicate which courses were taken during the renewal period for three years. Adequate documentation would provide evidence that the course was attended or studied (up to five hours can be self-study), and that the material is educational, technical, ethical, or about professional management, related to the practice of engineering. (TEPA 1001.210)

Q: I want to retain my PE license but I want to retire. Is there a way I can do both?
A: There are a couple of options. First, you can request "inactive" status which is more like an emeritus status found in some other professions. A PE who has gone inactive is exempt from the $200 professional fee and does not have to submit continuing education hours, but cannot practice or offer to practice engineering and must include "inactive" after their PE title. Alternatively, once you reach 65, you are exempt from the $200 professional fee. This doesn't exempt you from the requirements of the laws though, including the continuing education requirements.

Q: When I am specifying a manufactured product when designing a sewage lift station, does the pump that I am adding need to be sealed? The manufacturer has offered to sell me a sealed version of the specifications for an extra $500? Should I be sealing the specification for the pump even though it is not my design?
A: Generally speaking, the documents pertaining to a product that will be incorporated into project designed by a professional engineer does not require an engineer seal. The Texas licensed professional engineer responsible for the design and product specifications should, of course, sign and seal the design and specification documents, and it would be advisable that a professional engineer review the product specifications to ensure they meet the specifications required by the design engineer. If the product manufacturer produces shop drawings for the product, those should be sealed by a professional engineer to attest that the product meets the required specifications. That professional engineer could be the design engineer for the project responsible for the project specifications or a professional engineer employed by or contracted by the product manufacturer. However, TEPA Section 1001.057(c)(1) does give the design professional engineer the option of requiring the product manufacturer to provide signed and sealed plans/specifications for the product that will be incorporated into a fixed work designed by the design professional engineer.

Q: How can I submit a question or a suggestion to TBPE in general?
A: TBPE has a customer service survey that is on the website, which is in the signature of every email sent by staff as well, and was sent directly to a sampling of Texas PEs and EITs. If you wish to provide feedback to us via the survey, it can be found at: http://engineers.texas.gov/feedback. If, however, you have specific feedback to provide, simply call 512-440-7723 or email info@engineers.texas.gov.

Software Engineering

The Texas Board is currently accepting applications for the April 2013 software engineering PE exam. The application deadline is December 14, 2012.

After years of hard work by countless software professionals across the country, the National Council of Examiners for Engineering and Surveying (NCEES) has announced the Software Engineering Principles and Practice of Engineering (PE) exam is ready for its initial administration in April 2013. The advent of more software-driven controls for engineering systems has a significant impact on public safety and welfare. Systems that are automated and driven by software, for everything from wastewater treatment facilities to automated building control systems, create a need for qualified software engineers that is greater than ever. By developing a PE exam for software engineering, NCEES has provided the final component in a path for licensure specific to software engineering. NCEES is addressing this need on a national level and the Texas board has been instrumental in bringing this vision to fruition.

Each state will be able to implement software licensure and offer the exam in accordance with its specific laws and rules. At this time, software engineering licensure is not required by any state. However, it is anticipated that state boards and legislatures will ultimately recognize that software engineering does directly and significantly impact public safety, health, and welfare, and development of the exam and path to licensure is a critical first step.

The Texas Board is currently accepting applications for the April 2013 software engineering PE exam. While Texas currently licenses software engineers, issues regarding the practice of software engineering, and which aspects of software development should require a licensed professional engineer, still need to be addressed. In the next year, TBPE will begin discussions over practice requirements for licensure and what constitutes areas of practice of software engineering.

In the meantime, those practicing software engineering and students in software engineering programs are encouraged to pursue licensure and take the FE (Fundamentals of Engineering) exam (while in school) and the PE exam (after acquiring engineering experience) like other engineering disciplines currently do. **To apply: http://engineers.texas.gov/lic_app.htm**

Recognition

Jose Guerra, P.E.

Awarded NSPE's Highest Honor

Pictured: **Jose I. Guerra**, P.E., F. NSPE, F. ASCE (left) and **Christopher M. Stone**, P.E., F.NSPE, President of the National Society of Professional Engineers (NSPE).

On July 13, 2012, Jose I. Guerra, P.E., F. NSPE, F. ASCE was presented the 2012 NSPE Award by the National Society of Professional Engineers (NSPE) at their annual conference in San Diego, California.

The NSPE Award is the highest award bestowed on an individual by the society, and is presented to an engineer who has made outstanding contributions to the engineering profession, the public welfare and humankind.

Guerra served as Chair of the Texas Board of Professional Engineers from 1996-1997. He is active as an emeritus member of the Board since 2002 and oversees Jose I. Guerra Inc. Consulting Engineers, a mid-size multidiscipline engineering firm in Austin, Texas which he founded in 1973.

He has served in national and international engineering organizations, including the US Council for International Engineering Practice, and has been recognized by many, including the American Society of Civil Engineers. Guerra is also active in mentoring and coaching young engineers and was recognized by his Alma Mater, The University of Texas at Austin, in 2001 as Distinguished Graduate of the Year.

He is an active member of the National and Texas Societies of Professional Engineers, the American Society of Civil Engineers, and the Texas Council of Engineering Companies.

Guerra graduated from the University of Texas at Austin in 1957 with a BS in Architectural Engineering. Guerra serves on the Dean of Engineering's Executive Council; the University's Engineering Foundation Advisory Board and is a former member of the Visiting Committee of the Department of Civil Engineering.

Govind Nadkarni, P.E.

has had a year of recognition for the work and dedication he has given to the field of engineering. The pictures on this page give a glimpse of his accomplishments and recent recognitions. Nadkarni recently retired from the Board after twelve years of service and will now continue his service as an emeritus board member.

Nadkarni served as a Board member at TBPE from 2000-2012. He served as Board chair from 2006 to 2008. Nadkarni also served as the Board's vice-chair and chair of the General Issues, Licensing and Enforcement Committees.

During his Board tenure, he led advancements in outreach, international licensure, and provided guidance and support for the Board to move to the NCEES Examinee Management System. Nadkarni's other contributions to NCEES include service as the Southern Zone assistant vice present, NCEES vice president and serving on the NCEES Board of Directors. He served on the advisory committee on council activities, the committee on examination audit, and the committee on examination policy and procedures. He also served on the Credentials Evaluations Advisory Council which helped develop the NCEES Engineering Education Standard.

NCEES 2011-12 President **Dale Jans**, P.E., presented **Govind Nadkarni** the NCEES Distinguished Service Award for his dedicated service to the engineering and surveying professions during the organization's annual meeting, held August 22-25, 2012 in St. Louis, Missouri.

During the Regular Quarterly Board Meeting on August 16, 2012, **Govind Nadkarni**, P.E., was presented a proclamation from Senator Juan Hinojosa by his Chief of Staff, **Luis Moreno**, recognizing Nadkarni's twelve years of service on the Board.

Policy Advisory Opinions

When the Board was established in 1937, there were four commonly practiced branches of engineering (civil, structural, mechanical and electrical). Now, there are 27 recognized branches of engineering listed in the Texas Engineering Practice Act (TEPA). Engineering has become more and more complex over time, and it is sometimes difficult to determine when a certain service or activity requires the expertise of a Texas licensed professional engineer.

Fortunately, the capability for this agency to formally address such questions was enacted by the 78th Legislature in 2003. § 1001.601 created the Policy Advisory Process which allows the Board to accept and act on formal Policy Advisory Opinion requests and issue responses or opinions where appropriate. The following is a list of all the approved requests. The Board's interpretations, actions, and recommendations can be viewed/downloaded on our website at: **http://engineers.texas.gov/policy.htm.**

Policy Advisory Request Number	Description		Date Adopted or Amended
1	Engineering Aspects of Water Quality Planning		August 10, 2005
2	Engineering Aspects of Metropolitan Transportation Planning		May 18, 2005
3	Structural or Mechanical Modifications to Building Roofs		October 6, 2004
4	Engineering Aspects of Water Tank Rehabilitation		November 29, 2004
7	Construction Materials Engineering and Testing	*Amended*	August 20, 2009
10	Identification of P.E.s licensed in other jurisdictions		August 10, 2005
12	Engineering Aspects of the Design of Indoor Antenna Systems		February 23, 2006
13	Design of Manufactured Utility Poles		August 10, 2005
14	Design of Data and Communication Systems		August 10, 2005
15	Use of Current Regulations in Design		August 9, 2006
16	Areas of Engineering Competence		March 7, 2006
17	Forensic Engineering and Expert Witness Testimony		February 23, 2006
18	Sealing As-Built or Record Drawings		February 7, 2007
19	Commissioning of Engineered Systems		February 7, 2007
20	When is an Engineer required on Buildings?		August 9, 2006
21	Manufactured Buildings	*Amended*	August 16, 2012
22	Conflict of Interest		May 9, 2007
23	Engineering Aspects of Facilities Assessment		August 20, 2009
24	Procurement of Engineering Services for Public Works Projects		August 20, 2009
25	Corrosion Protection System Design		February 25, 2010
26	Structural Integrity and Building Codes		August 20, 2009
28	Preliminary Documents		November 19, 2009
29	Engineering Aspects of Gas Turbine Acceptance Testing		February 25, 2010
30	Real Estate Inspection Reports		February 25, 2010
31	Are Designated Engineering Representatives required to be licensed in Texas? AG Opinion Issued July 25, 2012; Board Approved on August 16, 2012		
32	Can Staff deviate from the Texas Engineering Practice Act?		February 15, 2012
33	Direct Supervision and Court Testimony		May 24, 2012

Obituaries

Jimmy Hiram Smith, Ph.D., P.E. 32391

Jimmy Smith served as Interim Executive Director for the Texas Board of Professional Engineers in 2000 and is known to the engineering community for his dedication to engineering ethics and education. Dr. Smith was licensed as a PE in 1971 and he joined Texas Tech University that same year as a Professor of Civil and Environmental Engineering. From 1987 to 2010 he was Director of the Murdough Center for Engineering Professionalism and the National Institute for Engineering Ethics (NIEE) at Texas Tech University. Over the years, the Board has referred many PEs to the Murdough Center for engineering ethics training.

Smith devoted himself to promoting engineering ethics and received many awards for his work both in the technical areas and in engineering ethics. He personally promoted ethics across four continents, proudly produced three ethics movies, edited books and published many articles. Smith received numerous honors and awards including: Engineer of the Year (Texas Society of Professional Engineers), Distinguished Engineer of the Foundation and Fellow (Texas Engineering Foundation), Distinguished Service Award (National Society of Professional Engineers), Engineering Dream Team (Texas Society of Professional Engineers), 2001 Engineering Ethics Award (Gonzaga University, Coeur d'Alene, Idaho), and inducted as Fellow American Society of Civil Engineers and National Society.

Robert Merrill "Bob" Sweazy, PE 38864

Bob Sweazy served as a Board member at the Texas Board of Professional Engineers from 2000 to 2006. Sweazy had a distinguished career at Texas Tech University in Lubbock, Texas from 1970-1985. He taught, conducted research in the engineering field and was a professor of civil engineering. He was named Engineer of the Year by the South Plains Chapter of TSPE in 1990.

Sweazy balanced his affinity for academics with a commitment to college athletics. While at Tech, he served as faculty athletic representative for 23 years and as chairman of the Athletic Council for the majority of that time. He was named the Faculty Athletic Representative of the Year by the All-American Football Foundation in 1997. In 2009, the Texas Tech Double T Association awarded him the Coach Dave Brown Award for outstanding contributions to Tech athletics by a non-alumnus. His athletic duties extended beyond the university, as he served on numerous committees for athletic organizations. He held the following notable positions: Southwest Conference President, College Football Association Chairman of the Board, NCAA Eligibility Committee Chairman, and NCAA Division I Vice President. He played an integral role in the merger of the Southwest and Big 8 conferences and then served in various positions within the Big XII Conference.

"Jimmy was a very special friend and colleague for over 20 years going back to the NAFTA negotiation days. He hosted the first NAFTA Round Table at Texas Tech University in Lubbock, Texas. Our engineer friends from Mexico still remember his hospitality, especially the great grilled hamburgers he prepared in his own backyard. His work in professionalism and ethics is unparalleled. His legacy will have an extraordinary impact on the engineering profession worldwide for generations. He was my hero and will be missed, especially the work the he did for TBPE."

— Jose I. Guerra, P.E., F.NSPE, F.ASCE, TBPE Member Emeritus

In Memoriam

W. R. Parr, P.E.; Robstown, TX
Francis G. Miksovsky, P.E.; Angleton, TX
Max A. Schumann, P.E.; Midland, TX
Julius E. Devos, P.E.; Mason, TX
John K. Spruce, P.E.; San Antonio, TX
Max L Hagan, P.E.; Lake Jackson, TX
Cecil A. Farrell, P.E.; Houston, TX
Thomas Beeson Romine, P.E.; Fort Worth, TX
W. R. Penn, P.E.; Austin, TX
Benny A. Alley, P.E.; Georgetown, TX
John H. Koester, P.E.; College Station, TX
Carl E. Poling, P.E.; Houston, TX
Jonas M. Berk, P.E.; Dallas, TX
Mark J. Costello, P.E.; Houston, TX
F. F. Dueser, P.E.; Breckenridge, TX
David W. Hearn, P.E.; Beaumont, TX
Marcial D. Forester, P.E.; Jackson, MS
Melvin S. Bryant, P.E.; Hillsboro, TX
Tom Edmonds, P.E.; Borger, TX
Donald H. Clark, P.E.; Houston, TX
Charles A. Roden, P.E.; Waco, TX
Clay W G Fulcher, P.E.; Belton, TX
Charles E. Markham, P.E.; Texarkana, TX
Wayman Marshall, P.E.; San Antonio, TX
Joe Pharr Allen, P.E.; Houston, TX
Roger L. Merrell, P.E.; San Marcos, TX
Phillip R Russell, P.E.; Austin, TX
Nelton O. Salch, P.E.; Corpus Christi, TX
Karl R. Tipple, P.E.; Dallas, TX
Robert E. Ward, P.E.; Henderson, TX
Edward T Dickerson, P.E.; Conroe, TX
Ronald L. Krafka, P.E.; Humble, TX
Donald A. Maxwell, P.E.; Bryan, TX
Leo R. Beard, P.E.; Austin, TX
Noe Garza, P.E.; Pharr, TX
Howard S. Mims, P.E.; Duncanville, TX
W. T. Asbill, P.E.; Houston, TX
Jimmy Hiram Smith, P.E.; Lubbock, TX
Charles L. Mauch, P.E.; Houston, TX
James Daniel Hicks, P.E.; Cleburne, TX
James Thomas Price, P.E.; Houston, TX
Alonzo Franklin Adkins, P.E.; Canyon, TX
Pete Eugene Deaver, P.E.; Ft. Worth, TX
Ned Kenneth Burleson, P.E.; Euless, TX
Homer Lyle Smith, P.E.; Norman, OK
Glenn Paul Barnes, P.E.; La Porte, TX
John Edward Powell, P.E.; Grand Prairie, TX
Curtis Louis Oppermann, P.E.; Sherman, TX
Emery Erl Borne, P.E.; Kingwood, TX
Jacob Guadalupe Rathmell, P.E.; Laredo, TX
Randall Scott Poerschke, P.E.; Magnolia, TX
George W. Younkin, P.E.; Fond Du Lac, WI
Lloyd Griffin Posey, P.E.; Houston, TX
Ulhas Vaman Sardesai, P.E.; Houston, TX
Bruce Alan Enloe, P.E.; San Antonio, TX
Paul Emerson Mix, P.E.; Austin, TX
Noel Sterling Atkisson, P.E.; Houston, TX
Rolf Conrad Lux, P.E.; Terrell, TX
Terrance Earl Loughry, P.E.; Leonard, TX
Coy Lee Mitchell, P.E.; Odessa, TX
Joseph Frederick Keppel, P.E.; Metairie, LA
Terry Lee Kohutek, P.E.; College Station, TX
George Alan Purtle, P.E.; Topeka, KS
Mark Arthur Eichstadt, P.E.; Rockport, TX
Shean-Rong Yang, P.E.; Houston, TX
Catherine Hicks Proctor Grose, P.E.; San Antonio, TX
Hsiao-Tseng Chiang, P.E.; Plymouth, MA
Holly Susan Sorensen, P.E.; Houston, TX
John Monta Cox, P.E.; Copperas Cove, TX
Charles Roy Meek, P.E.; Ashland, OR
John Patrick O'Neill, P.E.; Beaumont, TX
Sally Ann Graves Wegmann, P.E.; West Point, TX
Bertram Curtis Quackenbush, P.E.; Alhambra, CA
Harry Ammon Crumbling, P.E.; Houston, TX
William Newton Holt, P.E.; Waxahachie, TX
Jerry Dale Winton, P.E.; Fort Worth, TX
Warren Russell Coday, P.E.; Greenville, TX
David William Eggers, P.E.; Houston, TX
Kenneth Paul Naquin, P.E.; Highland Village, TX
John Ashley Sommer, P.E.; Boerne, TX
Thomas David Hazzard, P.E.; Marietta, GA
James Howard Treece, P.E.; Bixby, OK
David Victor Cardner, P.E.; Orange, TX
Adam Wade Stockton, P.E.; Jacksonville, TX
Donald Leon McKeehan, P.E.; Tyler, TX
John Charles Clements, P.E.; Corpus Christi, TX
James Lawrence Easterly, P.E.; Litchfield, IL
Lawrence Dale Wolf, P.E.; Honolulu, HI
Robert Cook Sutton, P.E.; The Woodlands, TX
Tamara Jo Muhic, P.E.; Windsor, CO

Enforcement News

Disciplinary & Administrative Actions

The following cases are actions that were taken by the Board since the last newsletter was issued.

Rickey Lee Hamm, P.E.; Rockport, Texas; Case Number: D-33477
Violation: While his license to practice engineering was under active suspension, Hamm designed and sealed an Underpinning Location and Inspection report under the title block of H.N.G. Consultants. Therefore, the Board determined that Hamm practiced engineering while his Texas engineer license was under active suspension.
Section/Rule Violated: 1001.401 (c), 137.37 (2).
Resolution: Revocation of Texas engineer license.

Robert Alan Walz: Utica, Michigan; Case Number: D-32517
Violation: Mr. Walz practiced engineering on a project in Texas during a period when his Texas engineer license was in an expired status; he had changed employers and failed to notify the Board of that change; and he failed to promptly respond to the Board inquiry regarding these two issues.
Section/Rules Violated: 1001.401(c), 137.5(a), 137.37(2) and 137.51(c).
Resolution: Understanding that the Board would revoke his Texas engineer license, Walz signed an affidavit of voluntary surrender of this Texas engineer license. The Board accepted Walz's signed affidavit and revoked his Texas engineer license.

R. Kirk Gregory, P.E.; New Braunfels, Texas; Case Number: D-30762
Violation: Gregory signed and sealed an engineering report guaranteeing the structural soundness of a bulkhead based on the description from the contractor who constructed the bulkhead without designing it, observing its construction, conducting any soil tests, or even visiting/inspecting the site. The bulkhead subsequently failed to perform as intended. Therefore, the Board determined that Gregory's actions were contrary to generally accepted engineering standards, that his report was misleading, and that he failed to perform this engineering assignment in a careful and diligent manner.
Section/Rule Violated: 137.55(b), 137.57(b)(3) and 137.63(b)(6).
Resolution: Five year suspension effective June 1, 2012, with all but the first 30 days to be fully probated, a $6,000.00 administrative penalty, and successful completion of two engineering ethics courses.

Floyd Ottis Lee, P.E.; Azle, Texas; Case Number: D-32943
Violation: Mr. Lee signed and sealed engineering plans for a creek bank stabilization project that included a gabion wall. There were no geotechnical or soil tests and, following a heavy rain, the retaining wall failed to perform as intended and experienced both horizontal and vertical displacement. Therefore, the Board determined that Mr. Lee failed to practice engineering in a careful and diligent manner.
Section/Rule Violated: 137.55 (a) and (b) and 137.63 (b) (6).
Resolution: Four year suspension probated for four years effective August 16, 2012, a $4380.00 administrative penalty and successful completion of an engineering ethics course.

Curtis Ray Dumas, P.E.; Houston, Texas; Case Number: D-32654
Violation: Dumas signed and affixed his Texas engineer seal to civil, structural, mechanical, electrical and plumbing engineering design plans for the construction of a church. Reviews of these plans by other Texas licensed professional engineers disclosed numerous deficiencies in the civil, structural, mechanical, electrical and plumbing designs. Further, Dumas signed his name over his Texas engineer seal obscuring the name and license number on the seal and he failed to show his firm name and firm registration number on engineering plan sheets. Therefore, the Board determined that Dumas signed and sealed plans containing engineering designs that he was not competent to perform which could endanger the public, that his name and license number on his engineer seal was obscured, and that he failed to show his firm name and firm registration number on issued engineering documents.
Section/Rule Violated: 137.33(f)(1), 137.33(n) and 137.59(a).
Resolution: Three year probated suspension, a $3,960.00 administrative penalty, and successful completion of an engineering ethics course.

Charles Bass Urban, P.E.; Pasadena, Texas; Case Numbers: D-31962 and D-31993
Violation: Urban signed and affixed his Texas engineer seal to a TDI WPI-2 Windstorm Inspection Verification Form certifying that construction of a residence complied with cited windstorm codes. TDI audited the project and asked Urban to submit documentation that would support his certification; however, he failed to submit adequate documentation. Urban also signed and sealed a TDI WPI-2 Windstorm Inspection Verification Form that certified that the five year old existing roof on a residence had received no storm damage; when in fact the roof had recently been partially repaired as a result of windstorm damage due to Hurricane Ike. Therefore, the Board determined that the WPI-2 Forms created misleading impressions and Urban's actions did not demonstrate that he was careful and diligent in his practice of engineering.
Rules Violated: 137.57(b)(3) and 137.63(b)(6).
Resolution: As a result of a Formal Hearing before the State Office of Administrative Hearings, the Board issued a Final Order for a one year probated suspension; a $4,000.00 administrative penalty and successful completion of an engineering ethics course.

Michael Hackebeil, P.E.; Hondo, Texas; Case Number: D-33615
Violation: Hackebeil indicated on his annual renewal form that he had completed the required Continuing Education (CE) hours. Upon audit, Hackebeil was unable to produce evidence that he had completed the required work and additionally he did not timely respond to Board inquiries. Therefore, the Board determined that Hackebeil falsely certified he had completed his CE when he had not and that he failed to timely respond to Board inquiries.
Section/Rule Violated: 137.17(p) (2) and (3), and 137.51 (c).
Resolution: Two year suspension probated for two years effective August 16, 2012, a $3540 administrative penalty and completion of the CE hours he should have, but did not complete.

C. Scott Parker; San Antonio, Texas; Case Numbers: D-31323 and D-31960
Violation: Parker provided a Pier & Spread Footing Certification attesting that the contractor had installed 43 new drilled piers and five spread footings under a residential foundation. Subsequently, the structure partially collapsed and when a different engineering firm was engaged to design a second repair plan, it was discovered that, contrary to Parker's certification, only 34 piers and four spread footings had been installed by the contractor. Further, Parker provided a homeowner with an engineering drawing showing the approximate locations of 36 piers that had been installed. This engineering drawing did not bear Parker's engineer seal or his signature, nor did it contain a caveat needed for preliminary engineering documents. Therefore, the Board determined that Parker's certification was misleading and/or created a misleading impression, that his actions were not careful or diligent, and that he issued an engineering drawing that did not bear his engineer seal and signature without noting that the document was preliminary.
Section/Rule Violated: 137.33(e), 137.57(b)(3), and 137.63(b)(6).
Resolution: Two year suspension with the final 18 months to be fully probated, and a $2,000.00 administrative penalty.

Mody K. Boatright, P.E.; Corpus Christi, Texas; Case Number: D-33370
Violation: Boatright signed and affixed his Texas engineer seal to Texas Department of Insurance (TDI) WPI-2 Windstorm Inspection Verification Forms certifying that construction for two structures complied with cited windstorm codes. TDI inspected the first structure finding that construction did not comply with the cited windstorm codes and conducted a quality review for the second structure. TDI sent Boatright letters asking for information/documentation to support his certifications for the two structures. Although Boatright responded to TDI's requests he failed to address all of TDI's concerns and failed to submit adequate documentation to substantiate his certifications. Therefore, the Board

determined that Boatright's WPI-2's for the two structures were misleading and his failure to provide TDI with sufficient information/documentation to substantiate his certifications reflected that construction did not comply with the cited windstorm codes and demonstrated a lack of care and diligence.
Section/Rule Violated: 137.57(b)(3), 137.63(b)(1) and 137.63(b)(6).
Resolution: Two year probated suspension, a $1,950.00 administrative penalty, and successful completion of an engineering ethics course.

Arturo S. Gaytan, P.E.; San Antonio, Texas; Case Number: D-32395
Violation: Gaytan signed and affixed his Texas engineer seal to a letter that was submitted to a city certifying that the number of pier holes, spacing and depth for a residential foundation repair met with the city's code requirements. The code required pier depths to be at least 24 inches; however, the city's inspector measured the pier depths to be 14 inches deep. Therefore, the Board determined that Gaytan's certification letter was misleading; that the pier holes did not comply with the city's code; and that his actions reflected that he had not practiced engineering in a careful and diligent manner.
Rules Violated: 137.57(b)(3), 137.63(b)(1) and (6).
Resolution: Two year probated suspension and a $1,500.00 administrative penalty. The two year probated suspension will start November 18, 2012.

Massod E. Bhatti, P.E.; Friendswood, Texas; Case Number: D-32501
Violation: Bhatti signed and affixed his Texas engineer seal to Texas Department of Insurance (TDI) WPI-2 Windstorm Inspection Verification Forms certifying that construction for two properties complied with cited windstorm codes. TDI audited the two projects and asked Bhatti to submit documentation that would support his certifications; however, he failed to submit adequate documentation and instead surrendered his appointment as a qualified windstorm inspector. Therefore, the Board determined that Bhatti's failure to comply with TDI's request did not meet all professional practice requirements as a TDI appointed qualified windstorm inspector.
Rules Violated: 137.63(b).
Resolution: Two year probated suspension and successful completion of an engineering ethics course.

Pradip Talukdar, P.E.; Houston, Texas; Case Number: D-32354
Violation: Talukdar, while employed full-time with an engineering firm, also signed and sealed engineering documents in the evenings for a firm that he used to be employed with which contained engineering work done by this second firm's employees when Talukdar was not directly supervising their engineering activities. Further, engineering documents bearing Talukdar's seal and signature issued by this second firm contained errors and miscalculations; and other engineering documents issued by this firm did not bear Talukdar's seal and signature nor did they contain a caveat stating why they were issued and the limitations on their use. Therefore, the Board determined that Talukdar's signed and sealed reports containing errors were misleading or could have created a misleading impression; that he failed to sign and seal other engineering reports or indicate why they were released and the limitations on their use; and that he signed and sealed engineering work that he did not personally perform nor directly supervise. Such actions reflected that he had not practiced engineering in a careful and diligent manner. Additionally, in a written response statement to the Board, Talukdar made statements and used language that was unprofessional and not respectful to his client and involved parties.
Rules Violated: 137.33(b), (e) and (f); 137. 57(b)(3), 137.63(b)(5) and (6).
Resolution: One year probated suspension, a $3,250.00 administrative penalty and successful completion of an engineering ethics course.

Charles F. Stark, P.E.; Fort Worth, Texas; Case Number: D-33509
Violation: Stark signed and sealed engineering record plans which included detail for a block retaining wall, along with the notation that changes and corrections have been made to conform to the contractor's record of the project, when no such changes were made to the plans, and the retaining wall had not been constructed in accordance with the plans. Therefore, the Board determined that Stark issued plans that were misleading and failed to practice engineering in a careful and diligent manner.
Section/Rule Violated: 137.57 (a) and (b) and 137.63 (b) (6).
Resolution: One year suspension probated for one year effective August 16, 2012, a $3250 administrative penalty and successful completion of an engineering ethics course.

Mr. Charles Kniffin, P.E.; Houston, Texas; Case Number: D-33066
Violation: Kniffin issued an engineering report relating to the failure of a copper water line that had been installed in a residential foundation stating that the line was not sleeved, which contributed to the failure of the water line. However, Kniffin had not physically inspected the installed water line; but, instead accepted the assertions of the home owner. Evidence indicated that the line had indeed been sleeved. Further, in Kniffin's report he stated that all evidence and collection methods were done in accordance with ASTM E-1188; however, in his response to the Board, he related the evidence was not removed in accordance with ASTM E-1188. Therefore, the Board determined that Kniffin's report was misleading and that his actions reflected that he had not practiced engineering in a careful and diligent manner.
Rules Violated: 137.53(b)(3) and 137.63(b)(6).
Resolution: One year probated suspension, a $2,950.00 administrative penalty and successful completion of an engineering ethics course.

Christina L. Virgilio, P.E.; The Woodlands, Texas; Case Number: D-33363
Violation: Virgilio signed and sealed a windstorm inspection form (WPI-2-BC-2) submitted to the Texas Department of Insurance (TDI). Virgilio was unable to provide all requested documentation to TDI in a timely manner and thus TDI was unable to certify the subject property as eligible for windstorm insurance to the Texas Windstorm Insurance Association. Therefore, the Board determined that Virgilio signed and sealed engineering documents that may not have complied with existing codes and failed to fully document her engineering certification.
Section/Rule Violated: 137.57 (b), 137.63 (b) (1) and 137.63 (b) (6).
Resolution: One year suspension probated for one year effective August 16, 2012, a $3250 administrative penalty, and successful completion of an engineering ethics course.

Richard F. Keelan, P.E.; San Leon, Texas; Case Number: D-33067
Violation: Keelan signed and sealed engineering plans for a fencing project under the title block of an unregistered firm. Therefore, the Board determined that Keelan assisted an unregistered firm in performing engineering services without a licensed engineer as a full time employee.
Section/Rule Violated: 137.51(d).
Resolution: One year suspension probated for one year effective August 16, 2012, a $1000.00 administrative penalty and successful completion of the Board's on-line ethics course.

Lee Charles Page, P.E.; Waxahachie, Texas; Case Number: D-31908
Violation: Page signed and affixed his Texas engineer seal to a letter attesting that a structure met FHA, HUD standards and applicable city building codes. However, the structure, that had a second story added, which was in an area that had been re-zoned as commercial, did not meet the city building codes for egress. Therefore, the Board determined that Page's letter was misleading since the structure did not meet the existing building codes.
Section/Rule Violated: 137.57(b)(3) and 137.63(b)(1).
Resolution: One year probated suspension, a $1,154.00 administrative penalty, and successful completion of an engineering ethics course.

James Earl Westbrook, P.E.; San Antonio, Texas; Case Number: D-33373
Violation: Mr. Westbrook signed and sealed an engineering report for the construction of a residential foundation attesting that previously identified construction defects had been corrected. However, a subsequent inspection of the foundation disclosed that the construction defects had not been corrected and later Mr. Westbrook acknowledged that he had not personally inspected the foundation prior to his issuing the above-mentioned letter; but, only relied on information provided to him by the contractor. Therefore, the Board determined that Mr. Westbrook's reliance on another person's word that the construction defects had been corrected when, in fact, they had not, resulted in his letter being misleading.
Section/Rule Violated: 137.57(b)(3) and 137.63(b)(2).
Resolution: One year probated suspension, a $1,950.00 administrative

penalty, and successful completion of an engineering ethics course.

James H. Vance, P.E.; Taylor, Texas; Case Number: D-32904
Violation: Mr. Vance failed to respond to numerous Board requests that he submit his continuing education records for audit. As a result of a formal hearing at the State Office of Administrative Hearings, Vance submitted his continuing education records which were audited. However, the Board determined that Mr. Vance failed to promptly respond to repeated requests that he submit his continuing education records.
Section/Rule Violated: 137.51(c).
Resolution: Formal Reprimand, a $500.00 administrative penalty, and he must also pay $253.73 for investigative costs.

Manuel Jesus Montemayor, P.E.; Brownsville, Texas; Case Number: D-33110
Violation: Montemayor signed and affixed his engineer seal to sewer and water line plans that were submitted to a city for construction approval. Although Montemayor later advised that the plans were preliminary and not final designs, he failed to identify on the plans that they were preliminary, nor did he note the limitations on their use. Further, when he signed, sealed and issued these plans, his firm's registration had expired and was no longer renewable. Although his firm was re-registered, the Board determined that Montemayor issued incomplete engineering plans without noting that the documents were preliminary and he offered and provided engineering services during a period when his firm was not registered with the Board.
Section/Rule Violated: 137.33(e), 137.77(a), (d) and (e).
Resolution: Formal Reprimand, and a $1,300.00 administrative penalty.

Eduardo Romero, P.E.; Laredo, Texas; Case Number: D-33371
Violation: Romero signed and affixed his Texas engineer seal to a Texas Department of Insurance (TDI) WPI-2 Windstorm Inspection Verification Form certifying that construction for a structure complied with cited windstorm codes. TDI inspected the structure finding that construction did not comply with the cited windstorm codes. TDI sent Romero letters asking for information/documentation to support his certification for the structure. Although Romero responded to TDI's requests, he failed to address all of TDI's concerns and failed to submit adequate documentation to substantiate his certification. Therefore, the Board determined that Romero's WPI-2 for the structure was misleading and his failure to provide TDI with sufficient information/documentation to substantiate his certification reflected that the construction did not comply with the cited windstorm codes and demonstrated a lack of care and diligence.
Section/Rule Violated: 137.57(b)(3), 137.63(b)(1) and 137.63(b)(6).
Resolution: Formal Reprimand.

Larry Williams; Killeen, Texas; Case Number: B-33302
Violation: Williams engaged in the unlicensed practice of engineering by preparing a remodel plan sheet for a day care center and affixing an engineer's seal to the plans without the knowledge or permission of the engineer. Therefore, the Board determined that Williams performed engineering services for the public of Texas without being licensed as an engineer.
Section/Rule Violated: 1001.004 (c) (2) (A), 1001.301 (9), 1001.405 137.77 (a) and (d).
Resolution: Cease and Desist and a $2,600.00 administrative penalty.

Timothy Cussen; Georgetown, Texas; Case Number: B-33303
Violation: Cussen affixed the seal of a licensed engineer to construction documents that the engineer had not reviewed or approved and without the knowledge or consent of the engineer. Therefore, the Board determined that Cussen performed engineering services for the public of Texas without being licensed as an engineer.
Section/Rule Violated: 1001.004 (c) (2) (A) and 1001.301 (a), 137.77 (a) and (d).
Resolution: Cease and Desist and a $1500.00 administrative penalty.

H.N.G. Consultants; Corpus Christi, Texas; Case Number: B-33301
Violation: The firm's registration became inactive on September 2, 2011 as a result of not having fulltime licensed engineer employed and in good standing on staff, yet performed engineering services to the public of Texas. Therefore, the Board determined that H.N.G. Consultants provided engineering services to the public of Texas during a period when it did not have a current firm registration.
Section/Rule Violated: 1001.405, 137.77 (a) (d) and (e).
Resolution: Cease and Desist and a $500.00 administrative penalty.

Charles Beckham II; Houston, Texas; Case Number: E-32736
Violation: Beckham identified himself as a professional engineer in Texas by using the designation "P.E." after his name on business cards and email signature blocks. Board records show that Beckham is not now nor has he ever been licensed in Texas as a professional engineer. Therefore, the Board determined that his representation of being a licensed professional engineer in Texas was unlawful.
Section/Rule Violated: 1001.004 and 1001.301.
Resolution: Cease and desist from any and all representations that he is a professional engineer in Texas and to eliminate the designation "P.E." after his name on any and all documents issued in Texas until such time as Mr. Beckham becomes duly licensed as a professional engineer in Texas, and a $1,000.00 administrative penalty.

Alaniz Engineering & Consulting, Inc.; Corpus Christi, Texas; Case Number: B-33273 Violation: This business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration.
Section/Rule Violated: 1001.405, 137.77(a), (d) and (e).
Resolution: A $500.00 administrative penalty.

PHI Engineering Design & Consulting Corp.; Ft. Worth, Texas; Case Number: B-33298
Violation: This business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration.
Section/Rule Violated: 1001.405, 137.77(a), (d) and (e).
Resolution: A $500.00 administrative penalty.

Arch Foundation Repair; Dallas, Texas; Case Number: B-32981
Violation: This firm used the word "Engineers" in the phrase "Arch Foundation Repair, with its dedicated foundation engineers…" on its web page advertisement which represented an ability to offer and/or provide engineering services. Board records showed the firm was not registered with our Board, nor had any Texas licensed professional engineers have notified our agency that they were employed full-time with this firm. Based on a history of past inquiries regarding this firm's use of "Engineer" terms in various forms of advertising that were closed due to commitments of voluntary compliance, the Board determined that the continued use of such words in the firm's advertisement warranted administrative action because the firm is unlawfully representing that it can offer and/or provide engineering services.
Sections Violated: 1001.004(c)(2) and 1001.405.
Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas and from the representation that the firm can offer/provide engineering services to the public of Texas and from using "Engineer" words in its advertisements until such time as the firm hires a Texas licensed professional engineer as a full-time employee and becomes reg-

istered with the Board and a $1,000.00 administrative penalty.

Carl W. McGloughlin; Dallas, Texas; Case Number: B-33104
Violation: McGloughlin performed engineering services by preparing engineering design plan needed to construct a tower element for a business' advertising at a property site in a Texas city. The plan was submitted to the city for permitting bearing the engineer seal and signature of a Texas licensed professional engineer who had advised the Board that he had not performed the design of this structure for that property site nor had he signed and affixed his seal to this specific engineering document. Board records showed that Mr. McGloughlin was not licensed in Texas as a professional engineer, nor was his business registered with the Board. Therefore, the Board determined that Mr. McGloughlin unlawfully practiced and unlawfully provided engineering services by his preparation of the design plan for this project.
Sections/Rules Violated: 1001.004(c)(2)(A), 1001.301(a), 1001.405, 137.77(a) and (d).
Resolution: Cease and desist from affixing any engineer seal to any document and from offering to perform or the actual performance of engineering services in Texas until such time as he hires a Texas licensed professional engineer as a full-time employee and his firm becomes registered with the Board and a $2,600.00 administrative penalty.

Triple C Project Services, Ltd.; Mont Belvieu, Texas; Case Number: B-33075
Violation: This business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration.
Section/Rules Violated: 1001.405, 137.77(a), (b), (d) and (e).
Resolution: A $500.00 administrative penalty.

Double Diamond, Inc.; Dallas, Texas; Case Number: B-32627
Violation: This firm was responsible for preparing structural engineering designs issued under the Double Diamond Companies title block for a 23,000 square foot facility known as The Retreat Resort Clubhouse and Restaurant without the involvement of a Texas licensed professional engineer. Board records did not show any Texas licensed professional engineers having claimed association with this business; therefore, the preparation of these structural engineering plans for this project by the business appear to constitute the unlawful practice of engineering.
Sections Violated: 1001.004(c)(2)(A) and 1001.301(a).
Resolution: Cease and desist from offering to perform or the actual performance of engineering services in Texas until such time as the business hires a Texas licensed professional engineer as a full time employee and a $3,200.00 administrative penalty.

Preston Engineering and Construction, Inc.; Plano, Texas: Case Number: B-32856
Violation: This business entity continued to represent the ability to offer and provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration and after its firm registration became non-renewable.
Section/Rules Violated: 1001.405, 137.77(a), (d) and (e).
Resolution: A $750.00 administrative penalty.

Montemayor Engineering, Inc., dba Montemayor-Hansen-Garcia-Villafranco & Associates; Brownsville, Texas; Case Number: B-32999
Violation: This business entity continued to provide consulting engineering services to the public of Texas and actually provided engineering services during a period when it did not have a current firm registration and after its firm registration became non-renewable.
Section/Rules Violated: 1001.405, 137.77(a), (d) and (e).
Resolution: A $750.00 administrative penalty.

CMT-TEC, L.L.C.; Laredo, Texas: Case Number: B-33105
Violation: This business entity continued to offer and provide consulting engineering services to the public of Texas during a period when it did not have a current firm registration.
Section/Rules Violated: 1001.405, 137.77(a) and (d).
Resolution: A $500.00 administrative penalty.

TBPE Handles Record Number of SOAH Cases

In FY 2012, TBPE Compliance & Enforcement Division, with the addition of staff attorney Dewey Helmcamp in July 2011, filed a record number of 11 disciplinary cases at the State Office of Administrative Hearings (SOAH), and tried or resolved through mediation 10 of those cases. The one case not resolved is pending the scheduling of a hearing on the merits and will be resolved this fiscal year.

For many years, TBPE depended on the Office of the Attorney General (OAG) to try cases at SOAH that could not be settled by way of a Consent or Agreed Board Order. While this arrangement generally worked well, the increasing litigation and time demands faced by the Board's OAG representative allowed a backlog to develop. Faced with this, the Board approved Executive Director Lance Kinney's request to hire a staff attorney to address the backlog. Shortly after his hiring and arrival at TBPE, the staff attorney met with OAG attorneys and arranged to assume prosecutorial responsibility for five cases previously referred to the OAG. Helmcamp quickly prioritized the cases and for each case began the process of drafting the SOAH complaint, filing the complaint and setting hearing dates.

In addition to the five cases already mentioned that required SOAH action, six other cases arose during the fiscal year that the staff attorney prepared and filed. All but one of these additional cases is now resolved with either an Agreed Board Order or a Final Board Order following a SOAH hearing. In these cases, the Orders have resulted in one license revocation, several cases of active suspension from practice for up to six months and over $18,500 in administrative penalties and hearing costs assessed.

TBPE has made a clear commitment to ensuring that individuals who do not adhere to the requirements of the Texas Engineering Practice Act are held accountable. To learn more about enforcement cases since the last newsletter, see page 10.

Board Rule Updates

The following are summaries of significant rule changes that were adopted by the Board during the last year. Please refer to the TBPE website at http://engineers.texas.gov/downloads.htm to view or download complete copies of the current law and rules.

Rule	Description and Effective Date
139.35	The adopted change adds an entry to the sanction tables regarding PEs who violate the 20-day requirement to provide a copy of design plans which require a review by a registered accessibility specialist to the Texas Department of Licensing and Regulation. A rule citation is also added to the two entries related to windstorm certification. There are also several formatting errors that were corrected in the tables. ***Effective September 9, 2012***
131.53	The adopted change clarified the current rule regarding recordings of Board meetings to be consistent with the approved agency records retention schedule. ***Effective September 9, 2012***
131.81	The adopted change updated the name of the ABET Technology Accreditation Commission (TAC) to the Engineering Technology Accreditation Commission (ETAC). ***Effective September 9, 2012***
133.21	The adopted change removed an outdated reference to the Test of Spoken English, corrected the acceptable passing scores for the Test of English as a Foreign Language and added the acceptance of a Texas Driver's License as proof of a name change. ***Effective September 9, 2012***
133.23	The adopted change corrected an incorrect rule citation. ***Effective September 9, 2012***
133.27	The adopted change removes an outdated reference to the Test of Spoken English and corrects an incorrect rule citation. ***Effective September 9, 2012***
133.31	The adopted change updates the name of the ABET Technology Accreditation Commission (TAC) to the Engineering Technology Accreditation Commission (ETAC). ***Effective September 9, 2012***
133.33	The adopted change updates the name of the ABET Technology Accreditation Commission (TAC) to the Engineering Technology Accreditation Commission (ETAC). ***Effective September 9, 2012***
133.61	The adopted change allows a contracted exam administration company to collect exam registration fees and handle fee refunds and transfers. ***Effective September 9, 2012***
133.65	The adopted change updates the name of the ABET Technology Accreditation Commission (TAC) to the Engineering Technology Accreditation Commission (ETAC) and removes a confusing reference to "full-time" as a qualifier for the Fundamentals of Engineering exam. ***Effective September 9, 2012***
137.17	The adopted change removed an incorrect submission procedure when the licensee renews his license online. The change also removed a phrase about inactive status and a reference to remuneration which was incorrect. ***Effective September 9, 2012***
139.13	The adopted change updates the Board's contact information, such as website URL and email and physical addresses. ***Effective September 9, 2012***
139.35	This change removed a double negative which did not convey the original intent. ***Effective June 18, 2012***

Checking In With P.E. 100000

Dustin Mortensen

In 2007, the board celebrated its 70th anniversary and the issuance of PE #100000 to Dustin Mortensen, P.E. To determine which candidate would be best suited to receive this milestone, the Board sponsored an essay contest for all eligible examinees. The Board received essays from over eighty applicants. Board staff along with previous TBPE Vice Chairman Jose Cardenas, P.E. reviewed the applications and selected the winning essay by Dustin Mortensen, a civil engineer working for Freese and Nichols in Austin, as the best example of an applicant expressing his desire to become a professional engineer.

"Mr. Mortensen's essay exemplifies the privilege, and honor, of being a licensed professional engineer and it clearly demonstrates his understanding of the responsibilities and duties associated with the practice of our profession," said Cardenas. "The issuance of license number 100000 affirms the vitality of the engineering profession in our state." Dale Beebe Farrow, P.E., previous executive director for the Board, noted that "Dustin's essay struck a chord with the Board as he wrote about the engineers that helped mentor him and how proud he will be to design for the public and mentor those that come behind him (including his two young sons)."

It has now been five years since Mortensen was awarded PE license number 100000. We recently followed up with Mortensen. Below are his responses to our questions as well as some tips for new engineers.

Q: The Board recently received an email announcement regarding your new position at Freese and Nichols. What is this new position?
A: I was recently named an associate in the firm. It is a recognition of employees who make significant contributions to the firm on a consistent basis. It gives me an incentive to keep doing a good job, seek ways to improve, and help FNI (Freese and Nichols, Inc.) and those around me to do better.

Q: How has your work with Freese & Nichols, Inc. changed since you became a PE?
A: I have more responsibility. I manage projects and am expected to delegate many tasks to younger engineers and E.I.T.s. I try to mentor them and help them understand how we do things. I am more involved with working with clients to develop scopes for projects.

Q: What do you find most rewarding about your work?
A: I enjoy the feeling of a job well done. It is rewarding to see a project constructed and see the benefits the project provides.

Continued on next page

Engineering is really about solving problems and I enjoy knowing I have contributed to a problem being solved. I like having our clients happy with our performance. I enjoy finding ways to contribute to the firm's success by improving the way we do things.

Q: What words of wisdom would you have for engineering students or recent graduates?
A: I would advise them to talk to the experienced engineers and to not be afraid to ask them questions. People are generally happy to help you learn. I would also advise them to learn how to use technology and computer programs well, but don't let it take the place of engineering judgment. They should understand the theory well enough to know what results to expect.
I asked around the office for advice to younger engineers and got some good answers. These are now things that I will advise others on:

For engineering students:
• Pay attention in geotech. No matter what you end up designing, it's usually involves the ground.

For recent graduates:
• Ask questions!
• Write down things as you learn them. If you are assigned the same task again later, this will help you remember without having to ask the same questions again. Asking questions is good, asking the same question twice is not so good.
• Work on as many different projects as you have the opportunity. This allows you to learn more and have a broad knowledge base. Helps with the PE exam and your career!
• Keep a list of projects you work on and list tasks you performed. Remind yourself to update it every 3 months or so. This will make the PE application much easier!

STAFFNEWS

TBPE Recognized for Excellence Achievement Texas Quality Award:

Lynn Tomaszewski, ASQ CMQ/OE, LSSGB, Chief Executive Officer of Quality Texas Foundation and **Lance Kinney, P.E.,** TBPE Executive Director.

For the second consecutive year, TBPE was recognized by the Quality Texas Foundation for commitment level achievement towards the Texas Award for Performance Excellence (TAPE). The TAPE award began in the 1990's as a way to promote performance excellence in Texas business and government. The program follows the national Baldrige Criteria for Performance Excellence and rates areas of performance on leadership, strategic planning, customer focus, measurement/analysis, workforce focus, operations, and results. "TBPE is committed to providing excellent service to the citizens of the state of Texas. It is our goal to continually review where we are and to work to be more efficient and effective in everything we do", said executive director Lance Kinney, P.E. Through its Journey Toward Excellence quality program, the agency will continue to incorporate improvements and focus on results-driven outcomes as part of the Quality Texas program.

< Several times each year, employees are recognized for exemplary service to the Board. Recently recognized employees pictured from left to right are **Deverett Morrow**, network specialist and **Val Olfers**, investigator.
Photo by Iris Castro.

TBPE has an established record of embracing technology through systems such as online license renewal payment processing, online application status checking and even a new online complaint submittal system which will be released in January 2013. But along with technological improvements can follow less human interaction. The Board recognizes this need and instead of a phone auto-attendant utilizes a friendly receptionist to answer calls. **Delia Ramirez** is the new friendly voice you will hear when you call the Board. She recently joined the staff bringing with her over 30 years of state agency and customer service experience. >

TBPE

Texas Board *of* Professional Engineers
Engineering For A Better Texas

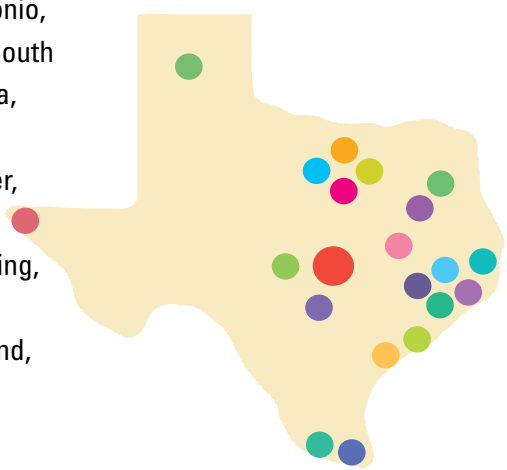
1917 S. Interstate 35, Austin, TX

Outreach *Program*

FY 2012 (September 1, 2011 to August 31, 2012)

166 presentations to 7,352 people.

Cities Staff Visited:
Amarillo, El Paso, Beaumont, Houston, Dallas, Ft. Worth, Austin, San Antonio, Corpus Christi, South Padre, Corsicana, Horseshoe Bay, League City, Tyler, Galveston, Brownsville, Irving, Victoria, College Station, Sugarland, Carrollton.



Future TBPE Events

November 28-29, 2012 – Quarterly Board Meeting and Committee Meetings
December 14, 2012 – PE Application Deadline
December 18, 2012 – Sunset Advisory Commission Hearings
December 31, 2012 – Deadline to Apply As Windstorm Inspector
(See Page 3 of this Newsletter)
February 21, 2013 – Exam Registration Deadline
April 12, 2013 – Software Engineering Exam
(See Page 6 of this Newsletter)

If your firm or organization would like to have a presentation on engineering ethics or licensure, TBPE is happy to help arrange a presentation. Please contact Outreach Coordinator Dorothy Gonzales to make your request at **outreach@engineers.texas.gov.**

We want to hear from you!

In our ongoing commitment to improving agency services, TBPE is asking for your feedback. Drop us an email, pick up the phone, or go online to the customer service survey that takes about five minutes to fill out. It can be found at http://engineers.texas.gov/feedback.

Please note that our website address recently changed: http://engineers.texas.gov The site is the same for now but we will be changing it in the coming months to be more user friendly.